

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

EMG TECHNOLOGY, LLC,

Plaintiff,

v.

THE VANGUARD GROUP, INC.,

Defendant.

**CIV. A. NO. 6:12-cv-543-MHS
(LEAD CASE)**

EMG TECHNOLOGY, LLC,

Plaintiff,

v.

THE TJX COMPANIES, INC.,

Defendant.

**CIV. A. NO. 6:12-cv-904-MHS
(CONSOLIDATED CASE)**

EMG TECHNOLOGY, LLC,

Plaintiff,

v.

J.C. PENNEY CORP., INC.

Defendant.

**CIV. A. NO. 6:12-cv-905-MHS
(CONSOLIDATED CASE)**

EMG TECHNOLOGY, LLC,

Plaintiff,

v.

COACH, INC.,

Defendant.

**CIV. A. NO. 6:13-cv-029-MHS
(CONSOLIDATED CASE)**

EMG TECHNOLOGY, LLC,

Plaintiff,

v.

WILLIAMS-SONOMA, INC., et al.,

Defendant.

**CIV. A. NO. 6:13-cv-31-MHS
(CONSOLIDATED CASE)**

JOINT MOTION TO EXTEND CERTAIN DEADLINES

Plaintiff EMG Technology, LLC and Defendants The Vanguard Group, Inc., The TJX Companies, Inc., J.C. Penney Corp., Inc., Coach, Inc., and Williams-Sonoma, Inc., Pottery Barn Inc., Pottery Barn Teen Inc., Pottery Barn Kids Inc., and West Elm, Inc.(the “Consolidated Defendants”), hereby move the Court to extend the certain deadlines.

Plaintiff and the Consolidated Defendants respectfully request that the Court extend the (1) claim construction, (2) summary judgment of indefiniteness, and (3) the required tutorial deadlines by approximately two weeks. All other deadlines, including the December 11, 2013 claim construction hearing, will remain unchanged.

This extension is not for purposes of delay. The parties require the additional time to meet and confer to further narrow the number of claim terms to be proposed for construction. As such, good cause exists for this brief extension. No other dates on the Court’s docket will be

impacted by this extension. Accordingly, all parties respectfully move the Court to extend certain deadlines as detailed in the table below.

Pretrial Event	Current Deadline	Proposed Deadline
Deadline to file opening claim construction brief (P.R. 4-5(a))	September 20, 2013	September 27, 2013
Deadline to file response to claim construction brief (P.R. 4-5(b))	October 8, 2013	October 15, 2013
Deadline to file motion for summary judgment of indefiniteness	October 11, 2013	October 25, 2013
Deadline to file reply to claim construction brief (P.R. 4-5(c))	October 15, 2013	October 22, 2013
Deadline to file response to motion for summary judgment of indefiniteness	October 18, 2013	November 1, 2013
Deadline to file reply to motion for summary judgment of indefiniteness	October 25, 2013	November 8, 2013
Deadline to file claim construction chart (P.R. 4-5(d))	October 25, 2013	November 8, 2013
Deadline to submit required tutorial	October 30, 2013	November 13, 2013
Claim construction hearing (i.e. <i>Markman</i> hearing) (P.R. 4-6)	Thursday, December 11, 2013 at 10:00 a.m. in Tyler, Texas	Thursday, December 11, 2013 at 10:00 a.m. in Tyler, Texas
Deadline to disclose willfulness opinions (P.R. 3-7)	January 20, 2014	January 20, 2014
Deadline to designate expert witnesses and reports on issues for which the party bears the burden of proof (¶ 5)	January 22, 2014	January 22, 2014
Deadline to designate expert witnesses and reports on issues for which the party does not bear the burden of proof (¶ 5)	February 21, 2014	February 21, 2014
Deadline to file letter briefs regarding dispositive motions (¶ 8)	March 7, 2014	March 7, 2014
Discovery deadline (¶ 6)	March 21, 2014	March 21, 2014
Deadline to complete second required mediation (¶ 7)	March 28, 2014	March 28, 2014

Pretrial Event	Current Deadline	Proposed Deadline
Deadline for dispositive motions (including <i>Daubert</i> motions) (§ 8)	April 8, 2014	April 8, 2014
Deadline for parties to exchange pretrial disclosures (§ 9)	May 9, 2014	May 9, 2014
Deadline to notify Court of daily transcript or realtime request (§ 10)	May 9, 2014	May 9, 2014
Deadline for parties to exchange objections to pretrial disclosures (§ 9)	May 23, 2014	May 23, 2014
Deadline for parties to meet and confer on resolving objections (§ 11)	May 30, 2014	May 30, 2014
Deadline to file pretrial materials (§ 12)	June 9, 2014	June 9, 2014
Deadline for parties to exchange exhibits (§ 13)	July 3, 2014	July 3, 2014
Pretrial conference and trial setting (§ 14)	July 9, 2014 at 9:00 a.m. in Tyler, Texas	July 9, 2014 at 9:00 a.m. in Tyler, Texas

WHEREFORE, Plaintiff and Consolidated Defendants respectfully request that this Court extend the deadlines for briefing on claim construction and a motion for summary judgment on indefiniteness and for submitting the required tutorial pursuant to the dates proposed above and in the attached proposed Fourth Amended Scheduling and Discovery Order, and grant such further relief as the Court deems just.

September 17, 2013

/s/ Charles Ainsworth

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AND WEST ELM, INC.**

CERTIFICATE OF SERVICE

Pursuant to the Federal Rules of Civil Procedure and the Local Rules, I hereby certify that all counsel of record who have appeared in this case are being served today with a copy of the foregoing via the Court's ECF/CM System.

Dated: September 17, 2013

/s/ Charles Ainsworth
Charles Ainsworth